

## **Abstract**

### **THE PROTECTION AGAINST CORRUPTION AND BRIBERY AND THEIR PREVENTION**

The purpose of my thesis is to analyse basic instruments provided by the criminal law for investigation and prosecution of bribery and find out how they are applied in everyday practice within criminal proceeding. The main reason why I chose this topic is frequent complaining of the public, blaming the law enforcement authorities from dismal state of corruption in the Czech Republic. The motive was to find out whether these complaints are legitimate or the criminal law does not provide sufficient means for effective regulation of the corruption.

The main aim of the thesis is therefore to answer the question, whether the instruments provided by the criminal law are sufficient for effective regulation of bribery and corruption in the Czech Republic.

The thesis is composed of five chapters. Chapter one is devoted to the brief explanation of historical development of the phenomenon of corruption. Aim of this chapter is to show the issue of corruption as never-ending struggle which was present in the society since its very beginning.

Chapter two is introductory and defines basic terminology. Purpose of this chapter is to explain the main distinction between corruption and bribery and define the basic classification referred in the thesis.

Chapter three is subdivided into two parts and there is examined relevant Czech legislation. First part of this chapter focuses on provisions of substantive criminal law. This part explains the main terminology and criminal offences concerning bribery with regard to respected theory and case law. Second part is devoted to the provisions of criminal procedure especially effective for the investigation and prosecution of bribery.

Chapter four has two parts also. First part is focused on evaluation of the effective legislation described in chapter three in regard to the opinion of the international organizations and the law enforcement authorities. Part two investigates the state of the corruption in the Czech

Republic and shows the close relationship between the activity of the law enforcement authorities and the public perception of the corruption.

Last chapter is subdivided into four parts and provides the analysis of the court decisions in the cases of bribery with regard to the theory described in chapter three. First part is focused on the characteristics of the offenders and the typology of prosecuted cases. Part two analyzes the application and point out the practical issues concerning to the use of the main substantive legal terms. Third part is devoted to the issue of procedural provisions and their application in regular practice. Last part illustrates the approach of the courts in deciding on the imposed sanctions.

In the conclusion are recapitulated the findings reached in previous chapters. The law enforcement authorities have sufficient instruments to effectively regulate bribery and corruption; the main issue lies within the proper application of effective legislation especially in imposing adequate sanction. The relationship between results of the criminal proceeding and level of the perception of the corruption by public is narrow; therefore failure of the law enforcement authorities in proper application of the law provisions has the negative effect on the corruption climate in the Czech Republic.